

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.740 OF 2003

The State of Maharashtra ...Appellant
Vs.

Shri Rajendra Prabhakar Kale & Anr. ...Respondents

Mr P.S. Hingorani, A.P.P. for the Appellant.

CORAM : R.S.MOHITE, J.

DATE : JANUARY 16, 2006.

P.C.:

1. This is an Appeal filed by the State impugning the judgment and order passed by Chief Judicial Magistrate, Raigad at Alibag on 11.02.2002, acquitting the accused for offences punishable under section 17 of the Prevention of Food Adulteration Act, 1954. On perusal of the impugned judgment and order it is seen that the acquittal is based on cogent and acceptable reasons. The complainant admitted in his cross-examination that no adulteration was found by him during the investigation and that sanction order was not for any offence of adulteration. His case was that the frooty drink was not fortified with Vitamin C. In the circumstances, the view taken is possible view. Hence, leave refused and consequently Appeal to stand dismissed.

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JUDGE